



Security Council

Seventy-second year

Provisional

7858th meeting

Wednesday, 11 January 2017, 9.30 a.m.
New York

<i>President:</i>	Mr. Skoug	(Sweden)
<i>Members:</i>	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Shen Bo
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Italy	Mr. Lambertini
	Japan	Mr. Okamura
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Illichev
	Senegal	Mr. Seck
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland ..	Mr. Rycroft
	United States of America	Ms. Coleman
	Uruguay	Mr. Bermúdez

Agenda

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization
Stabilization Mission in the Democratic Republic of the Congo (S/2016/1130)

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The meeting was called to order at 9.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2016/1130)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Democratic Republic of the Congo to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following to participate in this meeting: Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations; and Monseigneur Marcel Utembi, President of the National Episcopal Conference of the Congo, to participate in this meeting.

Monseigneur Utembi is joining today's meeting via video-teleconference from Kinshasa.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/1130, which contains the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

I now give the floor to Mr. Ladsous.

Mr. Ladsous: I wish to thank you, Mr. President, for this opportunity to update the Council on the political and security developments in the Democratic Republic of the Congo since the issuance of the most recent report of the Secretary-General (S/2016/1130).

As the Council is aware, on 31 December, under the auspices of the National Episcopal Conference of the Congo (CENCO), a political agreement was signed between the signatories and non-signatories of the political agreement of 18 October. That signing took place at a critical juncture in the political life of the Democratic Republic of the Congo, when political tensions were growing and violent incidents had taken

place in certain areas in the country following the expiration of the second and final mandate of President Joseph Kabila, on 19 December.

The signing of this agreement represented a major contribution to improving the situation, which, let us be clear, could have erupted, because the political players who had rejected the political agreement of 18 October had maintained their position that the national and provincial institutions would, on the evening of 19 December, become illegitimate.

It should also be pointed out that certain political players have not yet signed on to the agreement, such as the Mouvement de libération du Congo (MLC), although it recently indicated its readiness to do so in the near future. It has stated that it has been reluctant to sign on to the agreement because it believed that the Rassemblement would benefit disproportionately from the political transition arrangements, which currently propose to give the post of Prime Minister and head of the follow-up committee to representatives of the Rassemblement.

In addition, members of the opposition, headed by the current Prime Minister, Mr. Samy Badibanga, are also showing some reluctance, maintaining that some of the provisions of the 31 December agreement, namely, those concerning the electoral process, are not realistic. Prime Minister Badibanga and his Government are clearly concerned about the political consequences for them if a new Government of national unity were to be put in place under the leadership of the Rassemblement.

For its part, the presidential majority has itself sent mixed signals regarding its support for the agreement. It signed the agreement with reservations that have yet to be clarified, and then criticized the agreement, stating that the text was not inclusive enough — specifically because the MLC and the members of the opposition who are close to Prime Minister Badibanga had not yet signed it.

I would also note that prospects for a December 2017 election have finally improved. Major political, financial, technical and logistical support will be needed. Delays in bringing the voter register up to date, in setting up a transition Government and in implementing the provisions of the 31 December agreement could negatively affect the current timetable. We must therefore do our best to prevent delays in the electoral process.

Nevertheless, the signing of the agreement opens up new possibilities for a peaceful resolution to the political deadlock. We must therefore spare no effort in ensuring that all stakeholders commit to it and that it is implemented in good faith. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Secretariat will remain active but discreet in their support for the Congolese political actors and will encourage them to continue to demonstrate their flexibility and ability to compromise.

CENCO, which has made commendable efforts in that regard, will continue to enjoy our support in ensuring that all Congolese stakeholders adhere to the agreement, for barring that, its implementation would be difficult, and that could only have negative political and security consequences.

(spoke in English)

Before I turn to the security situation, I wish to express my deep concern about reports of human rights violations and acts of violence in Kinshasa and other cities across the country on 19 and 20 December. As indicated in separate reports, the repression of demonstrations by national security forces and clashes between those forces and demonstrators resulted, allegedly, in the extrajudicial killing of at least 40 civilians and the death of two police officers — one killed by demonstrators and the other by a stray bullet. We know that some demonstrations turned violent, with demonstrators looting and destroying public property, resulting in at least 140 people injured and 683 people arrested by national security forces — 291 of whom have since been prosecuted or released.

It is important to encourage the Government of the Democratic Republic of the Congo to initiate a full investigation into the events that led to the excessive use of force and loss of life, and to ensure that those responsible are held accountable.

I will now turn to the security situation in the eastern part of the country, which remains very fragile. In addition to the threat posed by foreign armed groups, namely the Allied Democratic Forces (ADF) and the Forces démocratiques pour la libération du Rwanda (FDLR), the activities of militia groups are on the rise in many parts of the country. That phenomenon is driven, in part, by the escalation of deep-rooted, long-standing conflicts among ethnic communities. It is also driven by the mobilization, particularly in December,

of militia groups, some of which have links to political actors in the Democratic Republic of the Congo and in the diaspora.

The spillover effects of the instability in neighbouring countries, notably South Sudan and Burundi, are already being felt in the Democratic Republic of the Congo, with a risk that they will continue to grow. There are now around 70,000 South Sudanese refugees who entered Haut-Uélé and Ituri provinces over the past six months, resulting in significant humanitarian challenges. Continued reports of infiltration by elements of the Sudan People's Liberation Movement/Army in Opposition into refugee camps and elsewhere in the Democratic Republic of the Congo represent a major cause for concern. Efforts are under way to relocate refugee sites further away from the border.

MONUSCO, acting in support of the Congolese national security forces, continues its efforts to counter the destabilizing activities of armed groups such as the ADF and the FDLR. Limited progress has been made in that regard, although much remains to be done to sustainably degrade the capacity of those groups. That will ultimately require long-term military engagement, combined with efforts by the national authorities to address issues linked to the longer-term stabilization of the country and the extension of State authority.

In conclusion, I would encourage Council members to continue calling on Congolese political actors to swiftly endorse and agree on implementation arrangements for the 31 December agreement, and to put in place a transitional Government of national unity. Failure to do so risks delaying the holding of elections and greatly increasing the risk of renewed political crisis and increased violence across the country. Needless to say, regional and international actors should maintain strong support for the implementation of the agreement and the holding of elections, as soon as feasible.

MONUSCO, for its part, will continue to work closely with the authorities to address the increasing threat posed by armed groups to the civilian population, through a combination of political and security initiatives, since many of the security issues in the east of the country can only be resolved through meaningful political engagement by authorities at all levels. MONUSCO will continue to support those efforts.

We will engage with Council members, the Democratic Republic of the Congo Government and

other key partners in the coming weeks to determine how the Mission should adjust to the prevailing political and security situation and how it can support the timely implementation of the 31 December agreement. We will return, in due course, with our recommendations for the Security Council's consideration, while also working with MONUSCO to adjust its priorities and posture, within the existing mandate, so that it can provide the best support.

The President: I thank Mr. Ladsous for his briefing.

I now give the floor to Monseigneur Utembi.

Monseigneur Utembi (*spoke in French*): On behalf of the National Episcopal Conference of the Congo (CENCO), over which I preside, I convey my best wishes to the members of the Security Council for 2017. Our Conference extends its heartfelt thanks to the Security Council for its multifaceted support during its good offices mission to help the Congolese political class and civil society in their search for a peaceful and consensual solution to the country's crisis.

We especially welcome the 4 January presidential statement of the Security Council (S/PRST/2017/1) on the comprehensive and inclusive political agreement negotiated under the auspices of the Kinshasa Archdiocese and signed on 31 December. We call on the Security Council to remain vigilant, and we call on stakeholders to support the comprehensive implementation of the agreement, particularly as it relates to the holding of elections in 2017.

Maintaining and building civilian peace is urgent during this period in order to ensure responsible and consensual management of institutions prior to and during the elections, to mobilize the necessary resources to meet vital social needs and to organize the vote. In that regard, the parties to the agreement negotiated under the auspices of the Kinshasa Archdiocese call upon the international community to assist the Independent National Electoral Commission by providing logistical, financial and technical support in order to ensure a smooth electoral process.

The political commitments negotiated under the auspices of the Kinshasa Archdiocese provide, *inter alia*, for the establishment of a national council for overseeing the agreement and process, as well as for a Government of national unity. It is critical that such bodies be set up as soon as the agreed timetable has been implemented in the near future. The effectiveness

of such institutions depends not only on management skills but also, in particular, on good faith and political will, as well as the legal tools and financial resources made available to them.

The National Episcopal Conference of the Congo calls on the Congolese State, the international community and the parties to the agreement to advocate for the appropriate measures needed to ensure the security of the electoral process. It asks the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to support the Government in strengthening its intervention capacity and in maintaining peace in the country, in particular in east Katanga and central Kasai. The parties to the agreement have closely examined the cases of political and opinion prisoners, political refugees and those in exile, any legal action being taken against politicians, the closing of media firms, violations of fundamental freedoms, and the sanctions imposed upon Congolese people by certain Western Governments. Our Conference asks the Congolese Government and the international community to take the appropriate measures to ease the social and political tension. Such measures should respect human rights.

The Congolese people warmly and happily welcomed the signing of the comprehensive and inclusive agreement negotiated under the auspices of the Kinshasa Archdiocese as a key way to end the political crisis and usher in social peace. It asks one thing of the international community and that is to vigorously assist the Congolese people in its efforts to ensure that the agreement is successfully implemented, until presidential and legislative elections are scheduled and held.

The President: On behalf of the Council, I thank Monseigneur Utembi for his comprehensive briefing and for the tireless mediation efforts made by the National Episcopal Conference of the Congo under his leadership.

I believe that this is an excellent example of conflict prevention in practice, for which Member States expressed overwhelming support during our discussion here during yesterday's open debate (see S/PV.7857). In that vein, the Security Council, in its presidential statement last week (S/PRST/2017/1), welcomed the signing of the agreement and expressed the desire for its speedy implementation, which we all hope will allow

the Democratic Republic of the Congo to continue on the path to long-term peace and stability.

We heard the appeal of Monseigneur Utembi to the Security Council and to the international community to support the implementation of the agreement in any way possible.

I shall now give the floor to the member of the Council who wishes to make a statement.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): At the outset, let me thank the President of the National Episcopal Conference of the Congo, Monseigneur Marcel Utembi, for participating in today's meeting, and Under-Secretary-General Hervé Ladsous for his briefing, which very clearly summarized the report (S/2016/1130) of the Secretary-General on the situation in the country. The Special Representative of the Secretary-General, Mr. Maman Sidikou, his entire team and the personnel of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) should be recognized for their tireless and invaluable efforts.

I wish to reiterate Uruguay's commitment to stability and peace in the Democratic Republic of the Congo, not only as an elected member of the Security Council but also as a consistent MONUSCO troop-contributing country for the past 16 years. Uruguay welcomes the signing of the comprehensive and inclusive political agreement that was adopted in Kinshasa on 31 December 2016 and acknowledges the important mediation role played by the National Episcopal Conference of the Congo in facilitating the agreement. In the same vein, we encourage the political parties that have not yet done so to sign the agreement. The agreement is a significant step forward in the quest for a political solution to the crisis in the Democratic Republic of the Congo, but, more important, it requires much effort in its implementation. In that regard, Uruguay hopes that political leaders will continue displaying a spirit of flexibility and understanding during the implementation process, which should be done in good faith and in all aspects.

The main aims of the agreement are, on the one hand, to ensure the inclusive management of the executive prior to and during the elections and, on the other, to ensure the organization of national and provincial presidential and legislative elections that are peaceful, credible, inclusive and held without delay, no later than December 2017. Such elections should give

rise to a peaceful hand-over of power. Stability, peace, development and the consolidation of constitutional democracy in the Democratic Republic of the Congo are at stake. The messages conveyed to the Security Council mission in November 2016 were clear in that regard.

Although the recent political developments in the country lead us to be optimistic about the future, Uruguay must express its concern about human rights violations, which, according to the statistics contained in the report (S/2016/1130) of the Secretary-General, show a considerable increase in comparison with those mentioned in the previous report (S/2016/833). The report indicates that, between January and 30 November 2016, MONUSCO documented 4,599 human rights violations, of which 2,915 were committed by State actors and 1,684 by armed groups. As we stated, those figures show a significant increase in comparison with the 3,877 violations documented in 2015.

In addition, MONUSCO has also reported a steady reduction in the political space, with an increasing number of restrictions on civil and political rights, including violations of the freedoms of expression and association. In that regard, Uruguay implores the Government, as the Security Council has done on repeated occasions, to respect human rights and fundamental freedoms and to exercise the highest level of moderation in response to protests. It also implores opposition forces to show greater responsibility by ensuring that their demonstrations are peaceful.

Finally, Uruguay expresses its determination to support the implementation of the 31 December agreement and to monitor developments in the Democratic Republic of the Congo.

The President: I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Gata Mavita wa Lufuta (Democratic Republic of the Congo) (*spoke in French*): First of all, I would like to congratulate you, Mr. President, on the accession of your country, Sweden, to the presidency of the Security Council for the month of January 2017, and to tell you how much my delegation and I are honoured to see you presiding over the deliberations of the Council today. I would next like to thank you, Sir, as well, for giving me an opportunity to address the Council at this meeting on the situation in the Democratic Republic of the Congo. Finally, I take this opportunity to pay tribute to your predecessor, His Excellency Mr. Román Oyarzun

Marchesi, Permanent Representative of Spain, who managed with devotion and competence the discussions in the Council last month.

My delegation takes note of the report (S/2016/833) of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which is before the Council for its consideration, and wishes to thank Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, who introduced it. While we fully appreciate the content of the report, we feel it is important to revisit a number of aspects that he raised in order to make a few brief comments. I will begin by discussing the issue of dialogue and the political agreement, developments in the electoral process, the security situation in relation to the presence of armed groups, and the disarmament, demobilization, reintegration and resettlement process.

Let me remind you, Mr. President, of the Council's visit to Kinshasa in November, during which its members conferred with various Congolese political actors. During the meeting that the Council held with the highest authority in my country, His Excellency Mr. Joseph Kabila Kabange, President of the Republic, the President told members about the 18 October 2016 political agreement signed by the parties to the national dialogue, which took place at Cité de l'Union Africaine, noting that the agreement was open for accession to all Congolese political entities. With the aim of perfecting the agreement by seeking greater inclusiveness, the President granted a mission of good offices to the Conférence épiscopale nationale du Congo (CENCO).

The signing of the political agreement, on 31 December 2016, among the Majorité présidentielle, the opposition having participated in the dialogue at the Cité de l'Union Africaine and the opposition regrouped under the banner of the so-called Rassemblement et alliés, marks an important step for my country towards consensus on the organization of the elections and the management of the transition of the country in a calm climate. In order to facilitate its implementation, as Council members know, the President renewed his confidence in CENCO and asked it to continue consultations with the political class as a whole to define the practical modalities for the implementation of the agreement.

With regard to the elections, in his address to the nation on 31 December 2016, the President expressed, on the basis of the CENCO political agreement, his

determination to continue without delay the process already under way for the organization of timely elections, in accordance with the timetable to be set by the National Independent Electoral Commission (CENI). In that context, the process of revising the electoral rolls, begun in July 2016, is continuing throughout the various provinces of the country. As previously reported to the Council (see S/PV.7826), 12 of the country's 26 provinces are already covered by enrolment operations. My Government wishes to thank the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) for the continued substantial logistical support it has provided the CENI as part of those efforts.

On the security front, the report under review highlights the continuing presence in the east of our country of foreign residual negative forces, such as terrorists from the Allied Democratic Forces, the Forces démocratiques de libération du Rwanda (FDLR), the Lord's Resistance Army and some national armed groups. The Forces armées de la République démocratique du Congo (FARDC), with the assistance of MONUSCO, has made considerable efforts against those negative forces and armed groups. As the report points out, our army has made many sacrifices in this struggle. Nevertheless, it remains determined to continue the fight until complete eradication to allow our citizens residing in that part of the country to live in peace in a sustainable way.

To achieve that objective, we believe that together we must review our working methods. In order to eradicate all of the armed groups, the Council has often insisted on collaboration between the FARDC and MONUSCO. It seems to us that, despite the resumption of collaboration, the results are falling short of what we expected. We believe that the transformation of the force engaged in MONUSCO, notably the replacement of the Intervention Brigade with the rapidly deployable battalions, has not been effective in this struggle.

The Democratic Republic of the Congo, my country, wishes to live in peace and to safeguard its good relations with all neighbouring States. In this perspective, you will agree with us, Mr. President, that, while my country is working hard to eradicate the foreign negative forces mentioned previously, it is not normal that, because of the forces that have come to assist it to bring home peace, its territory has once again become a sanctuary for armed combatants from a neighbouring country. Indeed, as Council members

know, South Sudanese fighters are now on Congolese territory. By a letter of 9 January 2017, we informed the Council of the conditions under which those combatants arrived. Without going into detail on the matter, my Government would be grateful to the Council, taking into account the responsibility of the United Nations in this situation to take all the measures deemed necessary, as has already been communicated to MONUSCO in the note verbale sent to it on 1 October 2016, to evacuate those fighters from our territory.

The disarmament, demobilization, reintegration and resettlement process is at the heart of peacekeeping activities, not only to achieve stability in the sectors affected by the conflict, but also to eliminate the threat posed by armed groups. To that end, as I just said, the Democratic Republic of the Congo cannot continue to be an oasis for foreign armed groups. Neighbouring countries must adopt policies that encourage the return of their nationals living in the Democratic Republic of the Congo, which will reduce tension and remove suspicion and thereby restore confidence in the region and peace in the eastern part of the Democratic Republic of the Congo.

The policy of the voluntary surrender of foreign armed groups applied to date has shown its limits. We need to examine and see how fast the repatriation process can be accelerated. In that context, the process

of repatriating the FDLR and their families in the transit camps in Kanyabayonga, North Kivu, Walungu, South Kivu, and in Kisangani in Tshopo, must also be accelerated. My Government cannot understand the fact that the appeals launched some years ago to the international community for the repatriation of those combatants have not yet received a favourable reply. In the same vein, my Government wishes to put an end to the case of the Mouvement du 23 mars in Uganda and Rwanda, and calls on these two neighbouring States, which continue to accommodate them, to facilitate their repatriation.

I cannot end my remarks without once again expressing to the Council the gratitude of the people and the Government of the Democratic Republic of the Congo for the efforts made by the United Nations to preserve the sovereignty and territorial integrity of our country and to guarantee its peace and stability. Finally, on the threshold of this new year, my delegation wishes to express to all the members of the Council its best wishes for 2017.

The President: I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.10 a.m.